



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/961,363 | 09/25/2001 | Takenori Idehara | 011350-287 | 5946 |

7590 06/05/2009
Platon N. Mandros
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

| |
|----------|
| EXAMINER |
|----------|

REFAI, RAMSEY

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3627

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

06/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/961,363 | | IDEHARA ET AL. | |
| | Examiner | | Art Unit | |
| | Ramsey Refai | | 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-77 is/are pending in the application.
- 4a) Of the above claim(s) 66-77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3627

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) filed May 14, 2009. Claims 46 and 51 have been amended. Claims 66-77 remain withdrawn. Claims 46-65 are pending.

Response to Argument

Affidavit/Declaration

1. In light of the remarks and the chart correlating the foreign document with the claim language filed April 23, 2009, the 1.131 declaration filed November 9, 2007 appears to sufficiently disqualify Lazaridis et al as prior art based on the stamped date of March 2, 2000 noted on the foreign priority document.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 46-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Larsson et al (US 7,028,102).

Art Unit: 3627

4. As per claim 46, Larsson et al teach a data transmission device to be used in a system including said data transmission device and a data receiving device which are connected to a data network and at least one portable terminal said data transmission device comprising:

a first transmission unit transmitting to said portable terminal without recourse to said data network **(short range communication)** a signal for obtaining device information **(printer specification including address)** from said data receiving device, the data receiving device information containing connection information for establishing a connection between said data transmission device and said data receiving device; a receiving unit for receiving the data receiving device information from said portable terminal without recourse to said data network; and a second transmission unit for transmitting to said data receiving device a signal for starting communication based on the device information using said data network **(see at least column 11, lines 10-61, column 10, lines 22-45. fig 1).**

5. As per claim 47, Larsson et al teach the second transmission unit transmits data to said data receiving device via said data network after establishing a connection with said data receiving device **(see at least column 11, lines 10-61).**

6. As per claim 48, Larsson et al teach said first transmission unit and said receiving unit transmit and receive data with said portable terminal via mobile telecommunication network **(see at least column 7, lines 10-26).**

7. As per claim 49, Larsson et al teach said connection information contains an identification code for identifying said data receiving device on said data network **(see at least column 10, lines 22-45).**

8. As per claim 50, Larsson et al teach said identification code is an IP address **(see at least column 10, lines 22-45).**

Art Unit: 3627

9. As per claim 53, Larsson et al teach said communication means for communicating in short distances is a wireless communication mean **(see at least column 10, lines 22-45, fig 1)**

10. As per claim 54 Larsson et al A data receiving device as claimed in claim 53, in which said communication means for communicating in short distances is based on either Bluetooth, IEEE 802.11, HomeRF, or IrDA **(see at least column 10, lines 22-45).**

11. As per claim 55, Larsson et al teach which said communication unit comprises a wired communication unit **(see at least column 10, lines 22-45, fig 1).**

12. As per claims 51-52 and 56-65, these claims contain similar limitations as claims 46-50 and 53-55 above and are therefore rejected under the same rationale.

Conclusion

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
June 3, 2009
/Ramsey Refai/
Examiner, Art Unit 3627